IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.155 OF 2003
IN
CIVIL REVISION APPLICATION ST.NO.25747 OF 2003

Vasant Nerhar Ajarekar. ..Applicant.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.Prasad B. Kulkarni h/f.Mr.Amit B. Borkar for applicant.

Mr.R.S.Khadpkar for respondent No.1 and 2.

Mr.T.S.Ingale, for respondent No.3.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 12, 2006.

P.C. :

1. Heard counsel for the parties. Perused the application.

2. There is over two years' delay in filing of the present revision application. Indeed, the applicant is entitled for time spent by the applicant in pursuing remedy of writ petition before this court. However, that is only from 4th May, 2001 to 4th February, 2003. The order which is impugned in this revision was passed on 24th October, 2000. There is no reason forthcoming as to why the applicant took seven months' to file writ petition

before this court. Assuming that period is to be ignored to give benefit to the applicant for pursuing wrong remedy, but the fact remains that the writ petition was dismissed on 4th February, 2003 whereas the revision application has been filed only on 17th July, 2003, which is over five months' period. The only explanation offered in the application as filed is that the applicant is above 65 years of age and was not feeling well. No details about his illness is given in the application; no medical certificate is relied to support the case of the illness, especially during the relevant period from February, 2003 to July, 2003.

3. There is yet another reason mentioned in the application. It is stated that the advocate for applicant sent letter to the applicant seeking instructions. However, no response was received, instead the said letter was returned with remark "unclaimed". The advocate for applicant, thereafter, sent another letter on 1st April, 2003 to the applicant which was received by the applicant. However, due to some family problem and health problem the applicant tried to contact his advocate in the first week of May, 2003. But due to summer vacation, advocate was not available. It is then

stated that the present application has been filed on 17th July, 2003. As no dates or details are provided in the application as mentioned earlier, the case made out in the application is not substantiated. From the averments in the application, which are so vague, it is not possible to show indulgence to the applicant for the casual manner in which, matter has been pursued by the applicant. Hence dismissed.